



**US Army Corps  
of Engineers**  
Philadelphia District

Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390  
ATTN: CENAP-OP-R

# Public Notice

Public Notice No.	Date
CENAP-OP-R-2012-697-26 (IP)	AUG 09 2012
Application No.	File No.
2012-697-26 (IP)	CENAP-OP-R-2012-697-26
In Reply Refer to: REGULATORY BRANCH	

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: ANGOLA BY THE BAY POA

AGENT: COASTAL & ESTUARINE RESEARCH, INC., LEWES, DELAWARE

WATERWAY: BURTONS PRONG, HERRING CREEK

LOCATION: ANGOLA BY THE BAY MARINA PHASE IV, BURTON PRONG  
HERRING CREEK, LEWES, SUSSEX COUNTY,

ACTIVITY: MAIN PIER WITH FIVE FLOATING FINGER PIERS

PURPOSE: DOCKING FACALITY

As depicted on Enclosures [E1-E5] dated June 2012, the applicant to install one 26' x 5' floating main pier section and five 16' x 4' floating finger piers to an existing pier at Angola By The Bay Marina, Phase IV, Burton Prong, Herring Creek, Lewes, Sussex County, Delaware.

In accordance with the June 9, 2008 U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency Final Rule on Compensatory Mitigation for the Losses of Aquatic Resources (33 CFR 325 and 332 and 40 CFR 230) the applicant has stated that the proposed project has been designed to avoided and minimize adverse effects on the aquatic environment to the maximum extent practicable and has further documented that compensatory mitigation is not necessary since no fill will be placed into wetlands. Avoidance of the work (structures) is not feasible as it is a water dependant project depending on access to the water to dock vessels.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments.

All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). A preliminary assessment of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, found no listed threatened or endangered fish species or essential fish habitat (EFH) are known to exist in the Lewes and Rehoboth (L&R) Canal. The proposed work is temporary in nature and will consist of installing piles to support the piers.

No dredging or filling is proposed with the project.

The pelagic adults and juveniles of the listed fish species are highly mobile and capable of avoiding impacts associated with the work. As such, this office has preliminarily determined that there will be no effect on EFH resources or the listed fish species in this area. Evaluation of the temporary impacts are currently being evaluated and our determination of no effect is subject to modification based on new information provided during this Public Notice review period.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

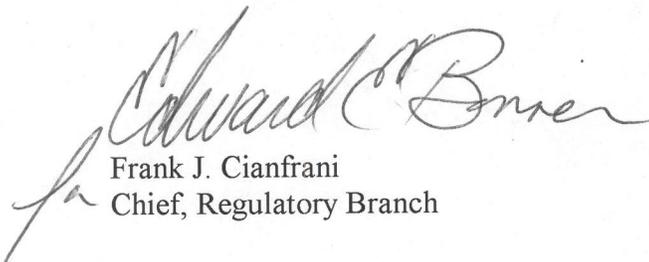
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Kevin E. Faust at 302 736-9763 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.



Frank J. Cianfrani  
Chief, Regulatory Branch

**PROPOSED ADDITION OF 26' X 5' FLOATING MAIN PIER  
AND FIVE (5) 16' X 4' FLOATING FINGER PIERS  
TO PROVIDE TEN (10) ADDITIONAL SLIPS**

IN: Burton Prong, Herring Creek

AT: Angola by the Bay Marina, Phase IV  
Marina Drive West, Angola By The Bay  
Lewes, Sussex Co., DE 19958  
Tax Map Parcel #2-34-17.08-91.00

APPLICANT: Angola by the Bay Property Owners Assoc.

DATE: June, 2012

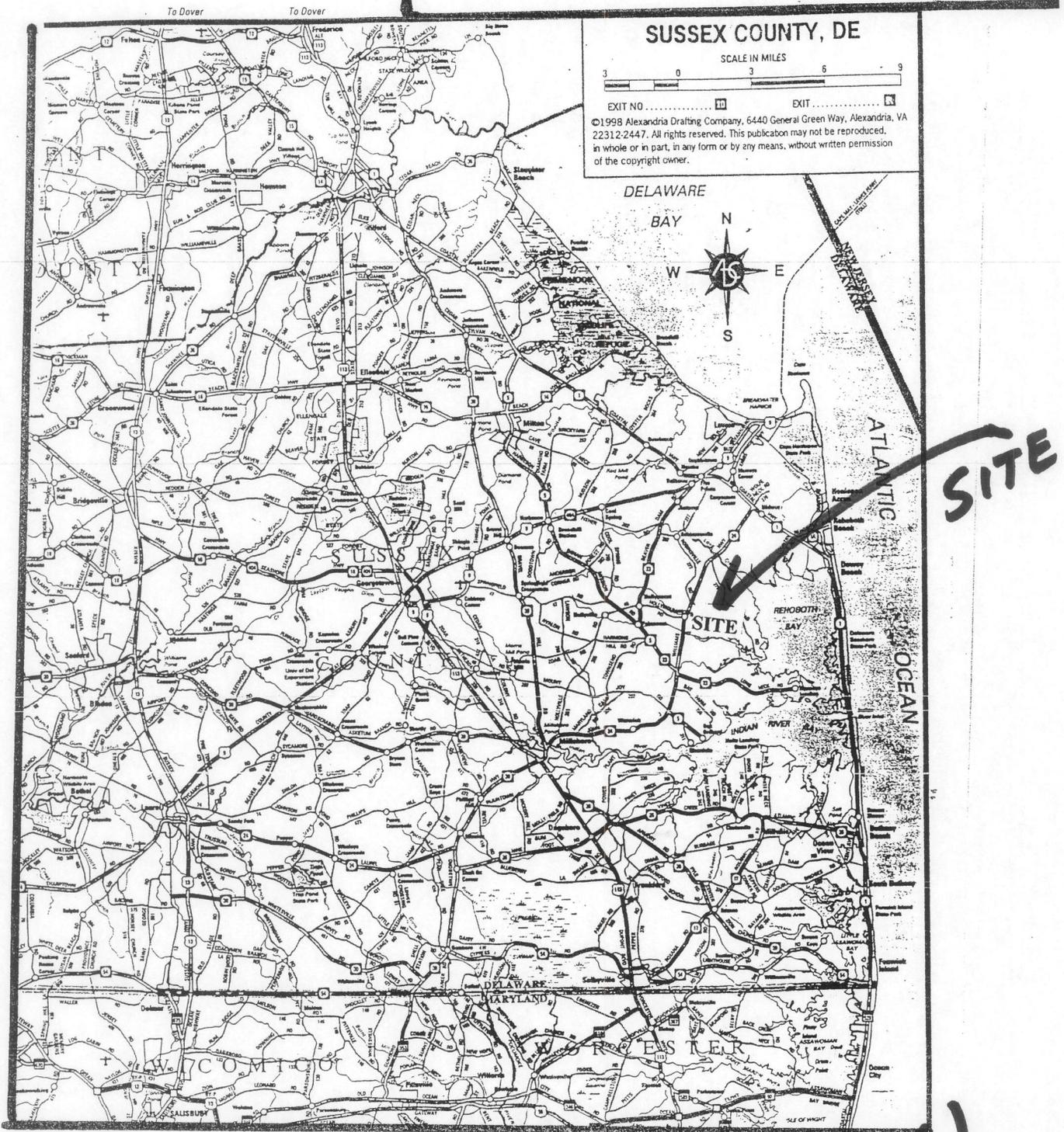


Figure 1. Map of Sussex County, Delaware, showing site location, Angola by the Bay, Angola area, Lewes. Scale as shown.

E-1

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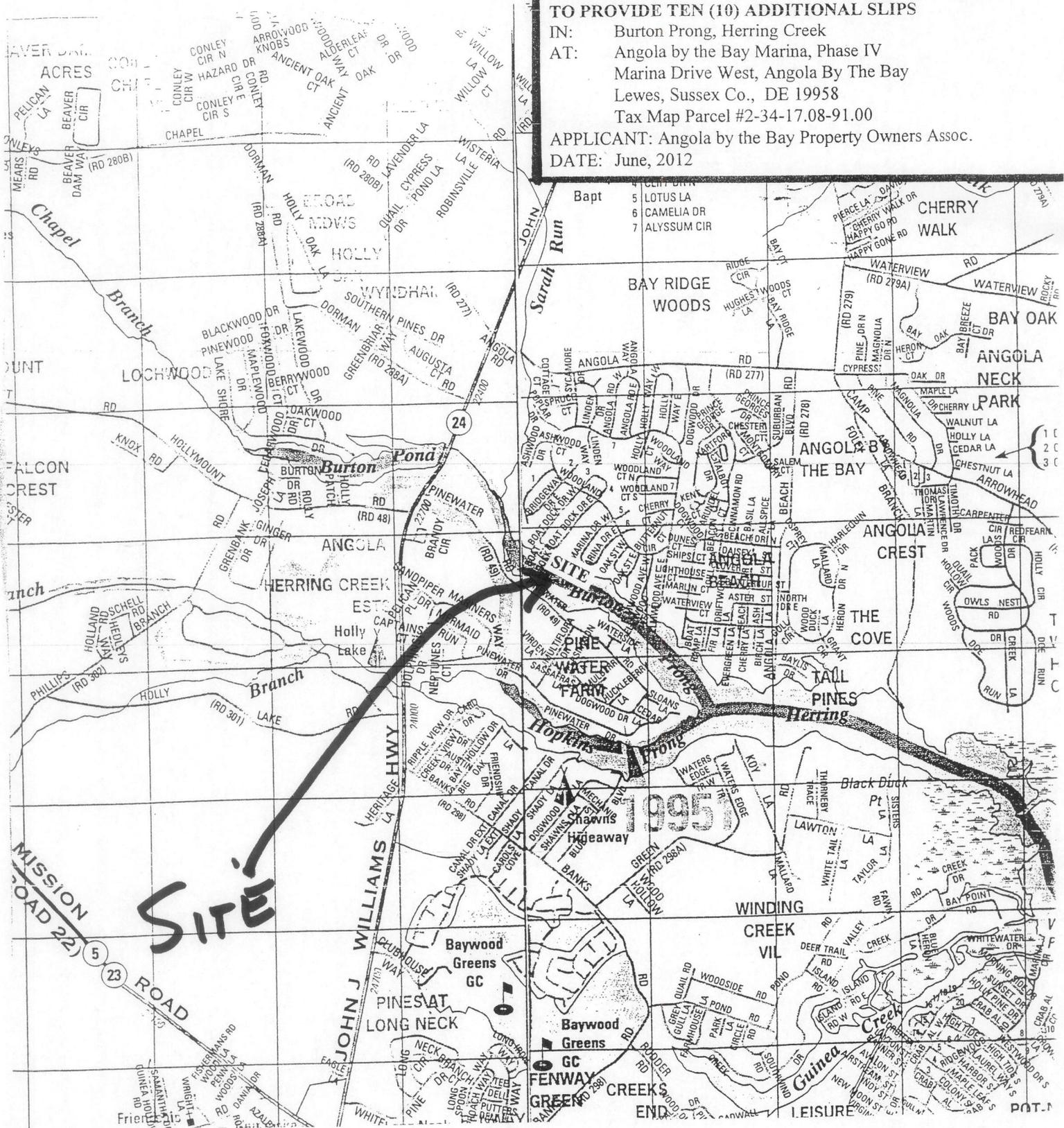


Figure 2. Map of Angola area, Lewes, Delaware showing Angola by the Bay. Scale: 1" = 2,500'. Directions from Dover: Route 1 southbound toward beaches; Route 24 (John J. Williams Highway) westbound to Angola Road (Road 277); left onto Angola Road (at traffic light); left at Angola Way into Angola By The Bay community; right onto Woodland Drive; right onto Marina Drive West to marina. Site is Phase IV (easternmost docking facility). Also see Figure 3 for map of community.

*E-2*

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Figure 4. Site location on U.S.G.S. topographic map, Fairmount, Delaware quadrangle, adjacent to Burton Prong, Herring Creek (tributary of Rehoboth Bay). Scale: 1" = 2,000'

**E-3**

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Burton Prong on Herring Creek  
 Ebb ~ Flow

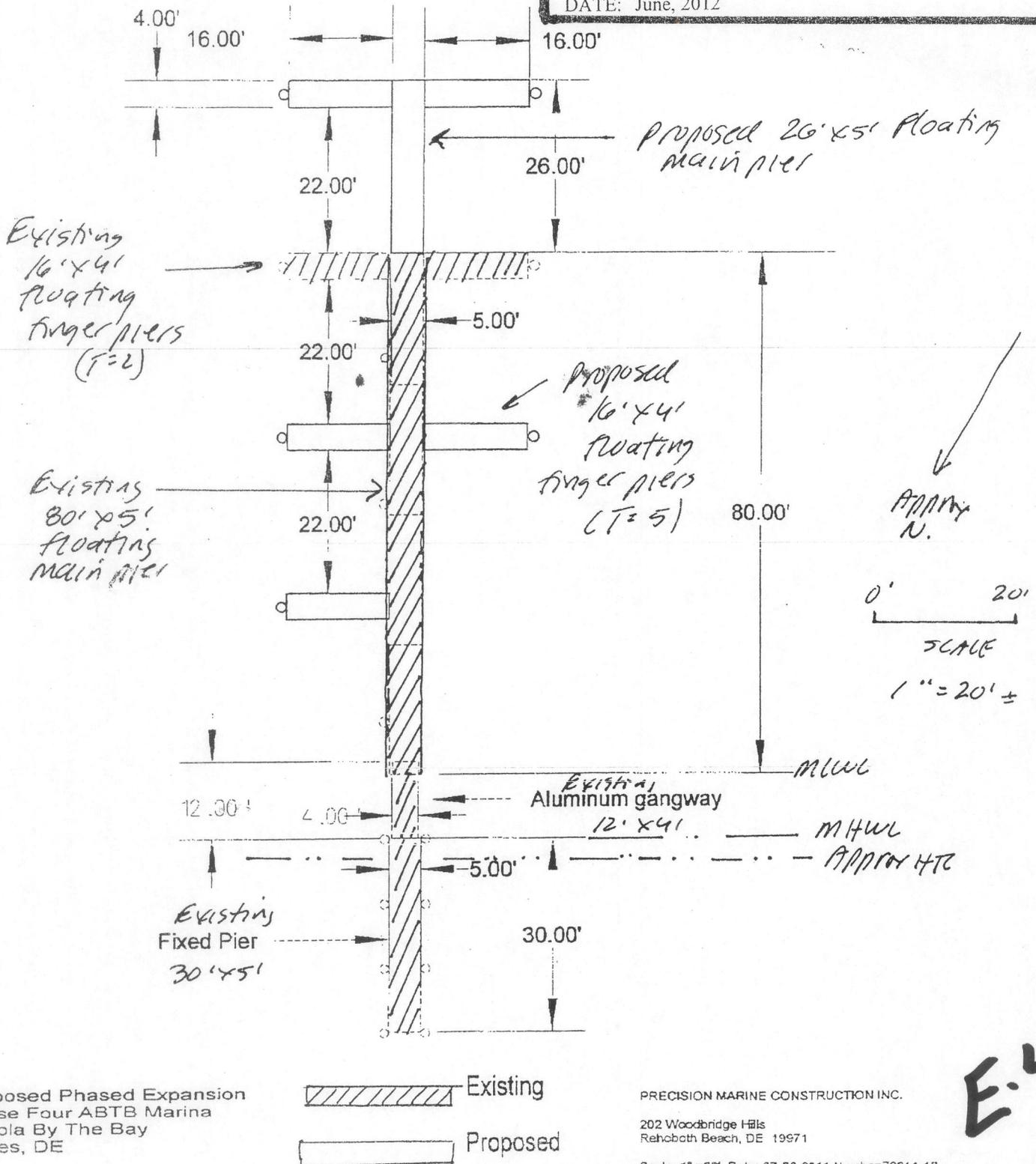
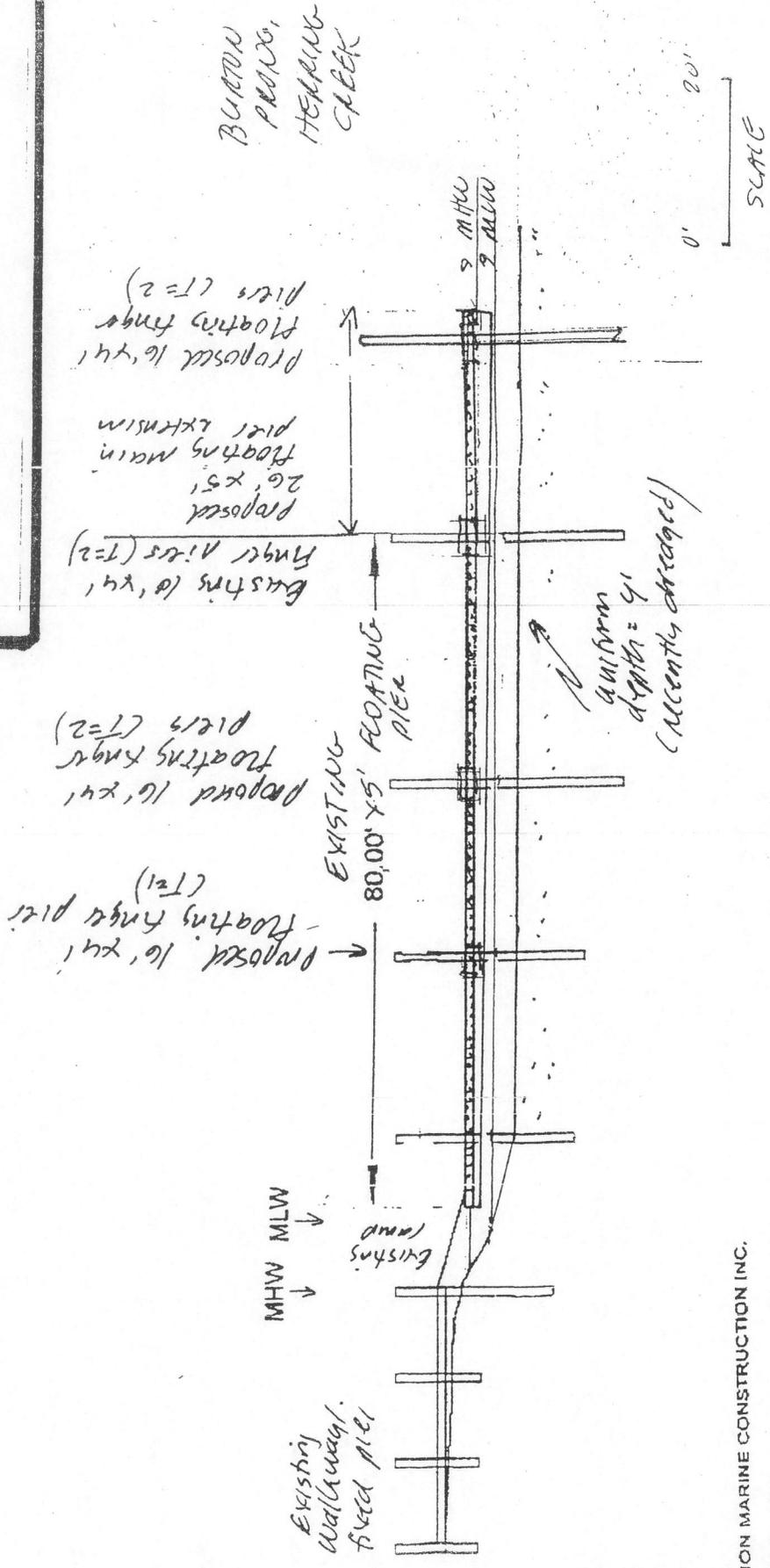


Figure 8. Plan view showing existing structures (cross-hatched), and proposed addition, one 26' x 5' floating main pier extension and five (5) 16' x 4' floating finger piers to provide ten (10) additional slips. (Plan prepared by Precision Marine

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PRECISION MARINE CONSTRUCTION INC.  
 202 Woodbridge Hills  
 Rehoboth Beach, DE 19971  
 Scale: 1" = 20'

Figure 9. Cross-section sketch showing existing structure (bold), and proposed addition, one 26' x 5' floating main pier section and five (5) 16' x 4' floating finger piers. Purpose is to provide ten (10) additional slips. (Plan prepared by Precision Marine Construction, Inc.)

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